

Comments Received regarding Draft Recommendations

Mission

- Too much emphasis is being placed on “integrated employment” without defining it. Integrated employment must be defined and must be broad enough to fully encompass BISM and similar organizations such as Melwood as integrated employers. Choice is the key

Task Force Goals

- Delete the word “sheltered” in the second bullet
- Fourth bullet should be partnerships with ALL businesses, not only MBE’s; however MBE’s should have greater weight

Definitions

- “Quality” should read “Quality Employment and must be better defined than it is

Recommendation 1

- Qualified individual with disability – The recommendation includes a definition of a qualified individual with a disability as an individual who is currently receiving SSI/SSDI **and** is receiving or is eligible to receive services from DORS, DDA or MHA. GIMV currently serves individuals with disabilities that are eligible to receive services from DORS or DDA that do not receive SSI/SSDI. These individuals have significant disabilities and need assistance finding and maintaining employment. GIMV does understand why the preferred provider program would no longer be available to service these individuals as well as those that receive SSI/SSDI. GIMV suggests that the “and” be removed from the recommendation and be replaced by “or”.
- Under (iii) of Significant disabilities, delete all words from “resulting from...to disability” so there isn’t a menu of disabilities as it is not all inclusive.
- “Training”—Perhaps a specific should be made on the type and duration of training, rather than suggest ‘training to make someone able to work’ (a la Sheltered workshops) rather than training for a specific skill.
- There was strong agreement among the providers Maryland Works spoke with that Maryland law and regulation should be enhanced to include a clear articulation as to the intent of the Preferred Provider Program. The added language should serve the purpose of reinforcing a clear commitment to the strengthening and expansion of existing training and employment opportunities provided through the Program; as well as a strong and clear intent to add new opportunities that expand the types of

skills training, career development and business ownership options made available to persons with disabilities.

Additional comments related to Recommendation 1 include:

- Clarify the “Qualified Individual with a Disability” definition by replacing “and” with “or”. As written, the draft language implies that, to be eligible to participate in the Program, consumers must be current SSI/SSDI recipients AND eligible for DDA, MHA, DORS, etc.
- Also, expand the “Qualified Individual with a Disability” definition to include “DHR” as well as to reflect “other similar public support”.
- Add language in the “Significant Disabilities” definition to reflect the commitment to increase opportunities for individuals with significant disabilities in particular. The reason for this recommendation is that it is easy for the reader to miss the earlier contextual statement in this regard and infer that the definition constitutes a limit on eligibility for others.

Recommendation 2

- Recommendation should read as...change current language in the law from DOL certificate **AND** DORS certified to DOL certificate if paying sub minimum wage **and/or accreditation from DORS**. Remove all references to sheltered workshops and replace with CRP language and add references to integrated settings and consumer owned/operated businesses whenever possible. The word **certification** must be removed, DORS does not certify.
- I assume there is no way to put eliminate, or at least put a time limit, on the participation of 14c shops as preferred providers? In some states, minimum wage standards have been put in place for set aside contract holders that exceed minimum wage, and supersede all 14c certifications.
- Maryland Works supports this recommendation as written, but recommend removing the **bolding**.

Recommendation 3

- Bullet one needs more work
- GIMV is concerned about a priority preference being added to the procurement process that would give priority funding to CRPs/BISM that demonstrate annual success in moving individuals from contract work to private sector community based work. It is not clear to GIMV what criteria would be used to decide which provider is more successful or which individuals employed in the contracts have a more severe disability. GIMV suggests that the measurements be clarified before the agency could support this recommendation.
- While the providers Maryland Works spoke with like the incentive concept that Recommendation 3 is promoting, they felt that none of the methods for achieving it are practical or manageable. The dominant concern was that the concept has too high a potential to work against rather than for

individuals with severe disabilities. This dilemma is driven in large part because of the difficulties that would exist in the determination process, both in terms of what constitutes a severe disability and in measuring the relative value of various models, ratios, and technical differences between various projects. Granting priority to individual CRPs also raises the likelihood that work will be concentrated with fewer rather than additional CRPs, and therefore also limits the diversity of opportunities.

- Several providers voiced support for changing or collapsing the preference priority order (commonly referred to as the “pecking order”). The predominant rationale was to eliminate “separate classes” of disability and streamline the process. A recommendation to create some level of competition among the priority entities (State Use, BISM, CRPs) was also discussed. However, the majority of providers voiced concern for the reality that changing the existing priority order is so fraught with political issues that it may weaken the overall recommendations. And, for that reason, the majority of providers we spoke with did not support the recommendation.
- Finally, it was agreed that incentives and refinements to the priorities are sound concepts and worthy of further consideration by the Task Force in the future.

Recommendation 4

No comments

Recommendation 5

- In favor of eliminating disincentives although reducing the ration requirement for an agency as it moves its workers from the agency to the private sector can result in fewer disabled people being employed. Some agencies will use this provision to reduce their ration requirement. Disabled indirect labor, supervisors, and managers should be counted in the ratio. We need to be aware that although we may change requirements for the state, any agency operating under the JWOD program, must still keep the 75% ratio as defined in the Federal regulations.
- GIMV supports the recommendation that an agency can reduce the 75/25 ratio as a result of moving workers with disabilities from the contract into private sector employment. GIMV recommends that the task force define the time frame that the agency can reduce the 75/25 ratio after someone moves into private sector employment. For example, the CRPs could have up to 6 months to find another individual with a disability to employ in the vacated position, which in the meantime could be filled by a worker without a disability.
- Is there a way to allow for other disenfranchised groups to get in on the action as the 75/25 percentage is eroded? Have these contracts represent, for example, a wider range of what a One Stop's customer

base would be. This will serve to make them both more inclusive, and to erode the disability association they currently carry.

- While there was strong agreement with the rationale behind this recommendation, and some differences of opinion as to what “the percentage” - or method for determining the percentage - should be, the discussion among providers at the open meeting ended with a unanimous agreement that the benchmark percentage should be kept as it is. This conclusion was driven primarily by the reality that there is such a tremendous need among individuals with disabilities for skills training and employment experience that the Program’s emphasis should be on “the greatest good for the greatest number”. There was also a fairly strong concern expressed by several participants that lowering the percentage will not only likely reduce the number of people served through the Program, but also poses a serious political risk related to justification of a preference. Along these same lines, net cost savings to the State would be decreased if less people were served.
- On the second point of Recommendation 5, increasing advancement opportunities for persons with disabilities, Maryland Works recommends that the method for achieving this goal be changed. Rather than including indirect workforce positions in the benchmark percentage, Maryland Works recommends advocating a policy that “advancement into management positions afforded through the Program shall be regarded as a fully integrated placement”. This change is predicated on three observations: first, that there is an absolute need for advancement opportunities for people with disabilities; second, the level of training and supports CRPs must provide to effectively serve consumers AND also meet the service standards of the contract requires the presence of a stable management corps (this is exacerbated by the absence of a funding mechanism within the Program to cover the additional training and support needs); and third, that individuals with disabilities who advance to management positions provide powerful role models for new entrants.

Recommendation 6

- It is recommended that all non-State designees have term limits in order to increase opportunities for participation and input.
- Maryland Works recommends that the Task Force include language to specify that the Pricing and Selection Committee should be expanded to include the following eleven (11) representatives:
 - Secretary of the Maryland Department of Transportation or designee;
 - Secretary of the Maryland Department of General Services or designee;
 - Secretary of the Maryland Department of Disabilities or designee;
 - Secretary of the Maryland Department of Labor, Licensing and Regulation or designee;

- Director of the Division of Rehabilitation Services within the Maryland State Department of Education or designee;
- President of Blind Industries and Services of Maryland or designee;
- Executive Director of Maryland State Use Industries or designee;
- Two Community Rehabilitation Providers selected by annual vote of eligible Preferred Provider Program CRPs;
- Two Individuals with Disabilities with no vested interest in the Program, and including at minimum one individual with significant business experience.

Recommendation 7

- There was unanimous support for this recommendation, assuming the word “revised” is changed to “expanded” to be consistent with the overall theme of the recommendations.
- Maryland Works recommends that language be added to this recommendation to “utilize bonafide work-related outcome measures that will be consistently applied to all elements of the Program – both existing and future”. This reinforces the values promoted in the preamble and throughout the recommendations.

Recommendation 8

- There was general agreement with Recommendation 8 related to modeling new opportunities. However, related to creation of opportunities for employment of individuals with disabilities by state agencies, providers who participated in the open discussion felt that language should be added to specify that activity as “a parallel program that will not divert existing training and employment opportunities” from the Preferred Provider Program into what might be described as reverse privatization.
- Additionally, it is recommended that the following language be added to the core intent to model new opportunities: “and identify resources outside the procurement process that will support these activities”.

Recommendation 9

No comments

Recommendation 10

- Bullet three seems to hurt agencies such as BISM
- Bullet four, should read something like “As part of all contracts issued by the State, create set asides of particular contracts...”
- Creation of monetary incentives at the end of a contract period for the achievement of goals set for specific beneficial outcomes to people with disabilities
- Great recommendation! This should help broaden the types of jobs available to individuals with disabilities and make tremendous advances in the area of inclusion. As a point of clarification, GIMV is not sure why

there is a focus on “particularly small and medium size employers” within this recommendation.

- The concept promoted in Recommendation 10 was generally supported. However, providers expressed a strong belief that any mechanism to achieve the desired outcome, in order to succeed, must be simple and specific. That said, the group concluded that none of the approaches identified to date were practical given the magnitude of obstacles inherent to each (determining eligibility, enforcing compliance, response from the commercial sector, etc).
- It was felt that any preference for commercial entities under the Preferred Provider Program should only apply beyond the existing preference for CRPs and any new preferences for consumer owned businesses. This is driven by the fact that “preference pricing” for commercial firms opens up what appear to be insurmountable public policy obstacles.

Recommendation 11

No comments

Recommendation 12

No comments

Recommendation 13

No comments

Recommendation 14

No comments

Additional Comments

- I am concerned that the time and effort we have put into building a company that our associates are proud of, that provides diverse employment opportunities and wonderful wages/benefits will be viewed as not having fulfilled its responsibilities and obligations under the law. We have built a company with a wide range of employment opportunities and we are by no means a sheltered workshop. We are simply one choice of many for our associates. BISM
- The task force should consider adding language addressing the need to provide the opportunity for individuals with disabilities to fail and see the jobs within such a program as a safety net they can return to. Without this safeguard there are few incentives to leave the environment to try commercial employment without preference. Knowledge that if the individual fails he has not used up his access to this work is critical in encouraging individuals to try their wings.
- I'm in agreement with all recommendations, but would like to go on the record as stating that it also needs to be noted that a "sheltered" workshop environment is the only appropriate setting for some clients and is exactly what the clients and their significant others want for them. I understand

that some agencies may keep clients in a sheltered workshop based on it being easier to arrange and cover for supervision, so I do like the incentive for agencies to move clients to the community. However, as I have previously stated, we need to make sure that there is a place for clients to work in a "sheltered workshop" environment for those who truly need it, and not make it appear as a failure or disincentive - if it is the best placement environment for certain clients. Humanim

- In addition to our response to the Draft Recommendations, we offer the following recommendations to the Task Force (the numbering here does not represent our view on ranking of priority): --Maryland Works
 - Conduct additional study to identify and evaluate models utilized in other states that can be implemented in Maryland.
 - Develop a quarterly progress report process and re-convene the Task Force on that same schedule for the purpose of evaluating progress and fine-tuning the implementation process. This will help avoid recreating the wheel in the future and focus on moving the process forward today.
 - Increase access to state contracts across the board through heightened and consistent guidance to purchasers throughout the procurement system to ensure that all appropriate contracts are referred to the Program. This recommendation must be explicit and would benefit from strengthening in regard to specific procurement language and mechanisms for tracking.
 - Require expansion of the Preference to political sub-divisions (the counties). This is policy exists in a significant number of states and would expand the number of opportunities in Maryland dramatically. This is particularly true in that local contracts, by their very nature, tend to be smaller and more manageable. This would also substantially address the current lack of state contract opportunities in outlying areas (Northern, Southern, Eastern and Western Maryland).
 - Ensure adequate resources, including funding, to support and strengthen services currently offered CRPs through the Program; as well as to add new services necessary for full implementation of the Task Force recommendations. This must include an evaluation of the needs of non-CRP Program participants; e.g. individual business owners with disabilities. Inherent to this recommendation is the need to ensure that CRPs, business owners with disabilities, and other Program partners are provided with the scope and volume of training necessary to ensure success of all Program participants and beneficiaries.
 - Create a context (identity) for the Program that takes it beyond the procurement process and which reflects its overall purpose, focuses on the outcomes for which it was created and is now being expanded; and which incorporates the full implementation of the

broader recommendations encompassed in this document (the Task Force's recommendations).

- Develop additional mechanisms promote the benefits of the Program, both social and fiscal, to the State as a whole.
- Identify additional mechanisms to recognize and reward state procurement personnel who support the Program. And to the extent that the Program relies on the goodwill of purchasers whose budgets do not benefit from the overall savings the Program creates to the State, evaluate the potential to provide those purchasing agencies with financial incentives.
- Conduct a thorough review and analysis of the procurement process underlying the Program. This should at a minimum include identification of barriers to the desired program outcomes, as well as opportunities for process improvement; e.g. streamlining and simplification.

Note: Input received from Maryland Works resulted from a meeting attended by representatives of several providers. List of attendees was not included with the comments.

MBE Recommendation Comments

Recommendation 1:

- Maryland Works supports this recommendation and suggest specifying that this be related to “Class 2” eligibility. This simply reflects how the MBE Program is structured and avoids the appearance that we suppose we can override the federal restrictions related to Class 1 eligibility.

Recommendation 2:

No comments

Recommendation 3:

- This would require new funding

Recommendation 4:

- Fully support, with the suggestion that the task force not identify any specific program within the recommendation language.

Recommendation 5:

No comments

Recommendation 6:

No comments

Recommendation 7:

No comments

Recommendation 8:

- Fully support the concept. However, the obligation should go beyond simply owning the business to include requiring the hiring of other individuals with disabilities as well. This relates back to the need to maximize the number of opportunities available to all individuals with disabilities.

Additional Comments:

- Further while micro-businesses should be encouraged and provided for they should be evaluated on true viability, businesses that are only that in name should not be encouraged as they use resources ineffectively. Chimes
- The Blind Industry model of owner with a disability, workforce without should not be encouraged. Micro-businesses should reflect the ability of the individuals to perform the tasks needed to run the business. Multi-disability partnerships-ownership with individuals with common interests and differing skill sets should be encouraged. In the absence of real involvement of ownership in operations rather than opportunity we have

created wealth transfers. The creation of a business where the ownership can not be actively involved is subject to external abuse and tokenism.
Chimes

Note: Input received from Maryland Works resulted from a meeting attended by representatives of several providers. List of attendees was not included with the comments.